

### **REMARKS**

These remarks and a Terminal Disclaimer submitted herewith are submitted in response to the Office Action of May 13, 2004, and are believed to overcome all of the issues set forth therein.

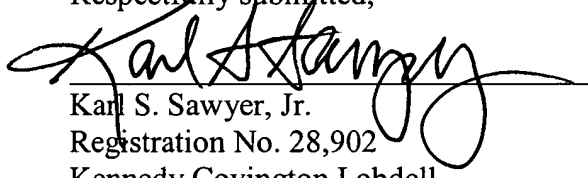
Claims 1-12 are currently pending in the above-captioned application. The Office Action provisionally rejected Claims 1 and 2 under the judicially created doctrine of obviousness-type double patenting as being assertedly unpatentable over Claims 1, 7 and 8 of co-pending Application No. 10/194,652 in view of Linz, U.S. Patent No. 5,536,157, ("Linz"). Claims 3-12 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The Office Action indicated that Claims 1 and 2 would be allowed following the Applicant's filing of a Terminal Disclaimer. Accordingly, the Applicant submits herewith a Terminal Disclaimer which overcomes the provisional rejection based on obviousness-type double patenting. Note that the Applicant has undergone two successive mergers, which are being recorded contemporaneously herewith (and copy attached) whereby the Terminal Disclaimer is in the Applicant's predecessor's name of Saurer GmbH & Co. KG. As the attached merger document reflects, the Applicant Neumag GmbH & Co. KG was merged into Barmag Aktiengesellschaft ("Barmag") and then Barmag was merged into Saurer GmbH & Co. KG.

The Applicant believes Claims 1 and 2 and all claims depending therefrom should now be in condition for allowance. Additionally, the Applicant believes that the objection to Claims 3-12 is moot because of the amendment to Claim 1.

In view of the foregoing, it is respectfully submitted that the standing claims are in condition for allowance and reconsideration is requested. An early notice to this effect is earnestly solicited. Should there be any questions regarding this application, the Examiner is invited to contact the undersigned at the number shown below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Karl S. Sawyer, Jr.", with a long, sweeping horizontal line extending to the right.

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